

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 30, 2021

1:31 p.m.

**MEMBERS PRESENT**

Senator David Wilson, Chair  
Senator Shelley Hughes, Vice Chair  
Senator Mia Costello  
Senator Lora Reinbold  
Senator Tom Begich

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 92

"An Act relating to missing persons under 21 years of age."

- HEARD & HELD

SENATE BILL NO. 89

"An Act relating to house rules for assisted living homes."

- MOVED SB 89 OUT OF COMMITTEE

SENATE BILL NO. 98

"An Act relating to medical assistance for recipients of adult foster care services; establishing an adult foster care home license and procedures; and providing for the transition of individuals from foster care to adult foster care homes."

- MOVED SB 98 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 92

SHORT TITLE: MISSING PERSONS UNDER 21 YEARS OLD

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/22/21	(S)	READ THE FIRST TIME - REFERRALS
02/22/21	(S)	HSS, STA

03/23/21 (S) HSS AT 1:30 PM BUTROVICH 205  
03/23/21 (S) Scheduled but Not Heard  
03/30/21 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 89

SHORT TITLE: ASSISTED LIVING HOMES: HOUSE RULES

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/22/21 (S) READ THE FIRST TIME - REFERRALS  
02/22/21 (S) HSS, FIN  
03/18/21 (S) HSS AT 1:30 PM BUTROVICH 205  
03/18/21 (S) Heard & Held  
03/18/21 (S) MINUTE(HSS)  
03/30/21 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 98

SHORT TITLE: ADULT FOSTER CARE FOR DISABLED

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/03/21 (S) READ THE FIRST TIME - REFERRALS  
03/03/21 (S) HSS, FIN  
03/18/21 (S) HSS AT 1:30 PM BUTROVICH 205  
03/18/21 (S) Heard & Held  
03/18/21 (S) MINUTE(HSS)  
03/30/21 (S) HSS AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

RANDI BREAGER, Legislative Liaison  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Thanked the committee for hearing SB 92.

KATHRYN MONFREDA, Director  
Division of Statewide Services  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Introduced SB 92 on behalf of the administration.

JOHN LEE, Director  
Division of Senior and Disabilities Services  
Department of Health and Social Services  
Palmer, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 89.

CRAIG BAXTER, Program Manager  
Residential Licensing/Background Check Program  
Department of Health and Social Services  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on SB 89.

#### **ACTION NARRATIVE**

[1:31:55 PM](#)

**CHAIR DAVID WILSON** called the Senate Health and Social Services Standing Committee meeting to order at 1:31 p.m. Present at the call to order were Senators Reinbold, Begich, Costello, Hughes, and Chair Wilson.

#### **SB 92-MISSING PERSONS UNDER 21 YEARS OLD**

[1:32:15 PM](#)

**CHAIR WILSON** announced the consideration of SENATE BILL NO. 92 "An Act relating to missing persons under 21 years of age."

[1:33:09 PM](#)

**RANDI BREAGER**, Legislative Liaison, Department of Public Safety, Anchorage, Alaska, thanked the committee for hearing SB 92, reviewed the documents in the bill packets, and deferred to Ms. Monfreda to introduce the bill.

[1:34:26 PM](#)

**KATHRYN MONFREDA**, Director, Statewide Services, Department of Public Safety, Anchorage, Alaska, stated the purpose of this bill is to bring state laws into conformity with federal laws pertaining to the reporting of missing persons between 18 and 21. Federal laws from 2003 (Suzanne's Law) and 2006 (Adam Walsh Act) require law enforcement to enter missing person information into the National Crime Information Center (NCIC) database within 2 hours of being reported missing if they are under 21 years of age.

[1:35:44 PM](#)

**MS. MONFREDA** reported that Alaska's missing persons laws have not been amended since enactment in the mid to late 1980's. AS 18.16.620 requires law enforcement to report missing minors to the state's Missing Persons Clearinghouse, if not located within 48 hours of being reported missing. AS 47.10.141 requires missing minors be reported to the Alaska Public Safety Information Network (APSIN) and National Crime Information Center (NCIC) with 24 hours after a report is completed. AS

47.10.390 defines a runaway minor as a person under the age of 18.

MS. MONFREDA said slide 4 summarizes the proposed changes to bring state law into conformity with federal law. All missing persons under age 21, instead of the state requirement of age 18, are entered into the state and national databases within 2 hours versus the current state requirement of 24 hours.

MS. MONFREDA advised that most state and local law enforcement agencies have enacted training to meet the more restrictive federal requirements. Many agencies currently comply and changes to the Alaska Public Safety Information Network's programming is completed.

[1:37:05 PM](#)

MS. MONFREDA stated the benefits of enacting this law are the removal of conflicting and less restrictive state statutory requirements, faster state and nationwide notification for missing person under 21 years of age, and improved response for the vulnerable, college-age population. Upon being entered into the national system, The Center for Exploited and Missing Children is notified and proactively assists in investigations.

[1:37:33 PM](#)

MS. MONFREDA presented the sectional analysis for SB 92:

Section 1 removes the reference to AS 47.10.141 in AS 18.65.620, since the time required for entering a missing person into APSIN and NCIC is specified in AS 18.65.620.

Section 2 adds a subsection to AS 18.65,620 which specifies law enforcement must report a missing person under the age of 21 to APSIN and NCIC within 2 hours of completing the report. Law enforcement must remove the information no later than 24 hours after learning a person has been located.

Section 3 amends AS 47.10.141(a) by removing language pertaining to the time of entry and the time of removal from the state and national databases, since this is now specified in AS 18.65.620.

The bill will become effective 90 days after being signed.

1:38:41 PM

SENATOR REINBOLD asked why the bill is being proposed now when changes to federal law occurred in 2003 and 2006. She questioned whether the funds Congress passed for indigenous women and children served as an impetus.

MS. MONFREDA responded she thinks the issue of missing and murdered indigenous women is partially responsible for bringing this to the forefront. The department has also been taking a hard look at missing persons. She noted the bill was proposed previously but failed to advance. Department of Public Safety proposed it again this year and the governor accepted it for introduction.

SENATOR REINBOLD requested confirmation that nothing triggered the bill other than it is correcting a long-standing gap in conformity.

MS. MONFREDA stated that is correct. She reiterated that since law enforcement already trains to the federal standard, the bill is a formality to make the laws match.

1:40:47 PM

CHAIR WILSON recalled one of the slides stated most local law enforcement agencies are now complying with federal law. He asked how law enforcement statewide would be notified if changes to the statute were made and how many agencies are not in compliance with the change.

MS. MONFREDA replied agencies are audited for compliance. She said she does not have the exact number but she has been informed most agencies are complying.

CHAIR WILSON asked her to provide compliance numbers to the committee.

MS. MONFREDA agreed to provide the information.

1:41:42 PM

SENATOR HUGHES asked what information is entered into a missing persons under age 21 database and how it compares to what is entered for an adult.

MS. MONFREDA stated there are two methods for entering information. The Missing Persons Clearinghouse, which is notified within 24 hours of a person missing and the NCIC and APSIN systems which are primarily for law enforcement use. The

APSIN and NCIC systems include a basic description of the person: name, sex, race, height, weight, last seen wearing and vehicle description, if pertinent. The department hopes to replace its system with modern technology capable of including photos. Once the Missing Persons Clearinghouse starts its investigation, they will add photos, and any other descriptive information, including dental records. In addition to the Missing Persons Clearinghouse receiving this information, it is public information. The department also puts out flyers.

1:44:20 PM

SENATOR HUGHES requested she comment on any differences in reporting between minors and adults.

MS. MONFREDA stated there is no difference in reporting. As much information is obtained as possible regardless of age.

1:44:39 PM

CHAIR WILSON opened public testimony on SB92, ascertained there was none and closed public testimony.

1:45:15 PM

MS. BREAGER thanked the committee for hearing the bill.

1:45:35 PM

SENATOR REINBOLD stated she has been unsuccessful in tracking what happened to the millions of dollars from the federal government for missing women and children. She asked if anyone knows where the money is.

1:45:58 PM

MS. BREAGER answered that the mysticism surrounding the money is partly due to federal government announcements of funds that had been granted to Alaska for several years. She clarified that \$6 million of new money was received through the Emergency Federal Law Enforcement Assistance (EFLEA) grant program as a direct result of Attorney General Barr's violence against women disaster declaration, following his visit to the state. The Department of Public Safety applied for the grant. The funds were specifically to improve rural public safety facilities. The Department of Commerce, Community and Economic Development (DCCED) managed the funds but did not retain any, not even for administrative costs. Funds were fully granted to local rural communities. Most of the projects were upgrading office facilities and jail cells. Funds were also provided to small community village and tribal police groups. Ms. Breager believes

the funds also benefited two Village Public Safety Officer (VPSO) programs

SENATOR REINBOLD asked if a decrease in missing women and children has been achieved and if prosecutions have increased so that villages, rural communities and even larger communities are safer.

[1:48:23 PM](#)

MS. BREAGER replied that the \$6 million grant was all for capital funds. It did not go to hiring Public Safety Officers or personnel. The designs for the funds were infrastructure, as this was acknowledged as a consistent need when Attorney General Barr traveled the state.

SENATOR REINBOLD stated the reply was helpful.

[1:49:03 PM](#)

CHAIR WILSON held SB 92 in committee.

#### **SB 89-ASSISTED LIVING HOMES: HOUSE RULES**

[1:49:17 PM](#)

CHAIR WILSON announced the consideration of SENATE BILL NO. 89 "An Act relating to house rules for assisted living homes."

[1:49:50 PM](#)

SENATOR BEGICH recollected asking a question about the revisor's instruction on page 3 lines 23-26, that related to the executive order. He recalled being told there might be an executive order coming forward to split the department. He said the deadline passed but he wants confirmation that the committee agreed to leave the revisor's instruction in the bill in the event an executive order is moved forward at some point as the bill goes through the process.

[1:50:35 PM](#)

SENATOR HUGHES stated that in the event another executive order is issued, prior to gaveling in for the Second Regular Session of the Thirty Second Legislature, the revisor's instruction would take care of it. The revisor's instruction should be left in the bill for that reason.

SENATOR BEGICH commented that line 24 says the First Regular Session

SENATOR HUGHES explained the First Regular Session would cover until the legislature gavels in. As an example, she stated that if another executive order is issued in October, then the revisor's instruction would take care of it or even a special session within a session.

SENATOR BEGICH responded it would not cover a special session because it is only for the First Regular Session. He said it is not an issue and may be removed later in the process.

1:51:39 PM

SENATOR REINBOLD requested someone from Health and Social Services define 'unreasonably' as found in Section 2 line 8, "An assisted living home may not adopt a house rule that unreasonably restricts a right of a resident... ." She stated the word is obviously debatable and could be a point of contention in the future.

1:52:03 PM

CHAIR WILSON asked Mr. Lee to answer.

1:52:15 PM

JOHN LEE, Director, Division of Senior and Disabilities Services, Department of Health and Social Services (DHSS), Palmer, Alaska, stated SB 89 attempts to align with 42 CFR (Code of Federal Regulations). Forty-two CFR is very specific about residents having a right to visitors of their choosing, at the time of their choosing. Any rules limiting the individual's ability to have visitors would be a violation. Mr. Lee deferred to Craig Baxter for further comment.

1:53:16 PM

CRAIG BAXTER, Program Manager, Residential Licensing, Health Care Services, DHSS, Anchorage, Alaska, stated that as a licensing agency, to demonstrate reasonableness, it is standard practice to have a facility put the rationale for an unreasonable house rule restriction into a resident's care plan. A treatment team, consisting of a guardian, care coordinator and, if necessary, a behavioral health provider and/or physician, must sign off on any rule restrictions that impact an individual.

1:54:03 PM

CHAIR WILSON found no further questions or comments and asked for a motion.

1:54:08 PM



SENATOR HUGHES moved to report SB 89, work order 32-GS1675\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR WILSON found no objection and SB 89 was reported from the Senate Health and Social Services Standing Committee.

**SB 98-ADULT FOSTER CARE FOR DISABLED**

[1:56:26 PM](#)

CHAIR WILSON announced the consideration of SENATE BILL NO. 98 "An Act relating to medical assistance for recipients of adult foster care services; establishing an adult foster care home license and procedures; and providing for the transition of individuals from foster care to adult foster care homes."

He stated the bill was heard and public testimony taken on March 18. He asked Mr. Lee if he had any further remarks.

MR. LEE answered he had no further comments.

[1:57:11 PM](#)

CHAIR WILSON asked the will of the committee.

[1:57:20 PM](#)

SENATOR HUGHES moved to report SB 98, work order 32-GS1708\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR WILSON found no objection and SB 98 was reported from the Senate Health and Social Services Standing Committee.

[1:57:52 PM](#)

There being no further business to come before the committee, Chair Wilson adjourned the Senate Health and Social Services Standing Committee meeting at 1:57 pm.